



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

August 2, 2016

Cortel Inc So Cal Project  
Suzanne Iselt  
14621 Arroyo Hondo  
San Diego, CA 92127

**REGARDING:      CONDITIONAL USE PERMIT NO. RPPL 2016001651-(4)  
3551 N. HARBOR BLVD, ROWLAND HEIGHTS, CA 91748 (8269-065-034)**

Hearing Officer, Pat Hachiya, by her action of **August 2, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **August 16, 2016**. Appeals must be delivered in person.

**Appeals:**      **To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Carl Nadela of the Zoning Permits East Section at (213) 974-6475, or by email at [cnadela@planning.lacounty.gov](mailto:cnadela@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance

c: DPW (Building and Safety); Zoning Enforcement

MM:CN

**FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. RPPL 2016001651-(4)**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL 2016001651-(1) ("CUP") on August 2, 2016.
2. The permittee, T-Mobile West Corporation ("permittee"), requests the CUP to authorize the continued operation with minor modifications of an existing Wireless Telecommunication Facility ("Project") on a property located at 3551 N. Harbor Blvd in the unincorporated community of Rowland Heights ("Project Site") in the O-S zone pursuant to Los Angeles County Code ("County Code") section 22.40.430.
3. The subject property is 20.1 gross acres in size and consists of one legal lot. The parcel is mostly rectangular in shape with hilly topography and is developed with SCE towers and transmission lines. The Project Site is a lease area of approximately 300 square foot on the easternmost tower on the parcel.
4. The Project Site is located in the Puente Zoned District and is currently zoned O-S (Open Space).
5. The Project Site is located within the O (Open Space) land use category of the Rowland Heights Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: O-S
  - South: RPD-1-5U (Residential Planned Development – 1 ac Minimum Required Lot Area – Maximum 5 dwelling units per acre), A-1-5 (Light Agricultural – 5 acre Minimum Required Lot Area)
  - East: RPD-1-5U
  - West: City of La Habra Heights
7. Surrounding land uses within a 500-foot radius include:
  - North: SCE towers and transmission lines
  - South: SCE towers and transmission lines, single family residences, vacant land
  - East: Single family residences
  - West: Open Space
8. Ordinance 1494 was adopted in May 21, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 5122 was adopted in May 25, 1948, which established A-1-5 zoning on the property.

Ordinance 880018z was adopted in February 2, 1988, which established O-S zoning on the property.

Conditional Use Permit R2004-00351-(4) / CUP 200400027 was approved on April 14, 2005, which initially authorized the installation, operation and maintenance of an unmanned wireless telecommunication facility attached to an existing SCE transmission tower at the site. This permit expired on April 5, 2015 and is being renewed with this CUP application.

Conditional Use Permit R2015-00009-(4) / CUP 201500001 was approved on March 3, 2015, which authorized a new wireless telecommunication facility for Verizon at a different SCE tower at the site. This approval contained a condition to mitigate impacts to wildlife travelling through the site. This condition was also included in the draft Conditions of Approval for this CUP application.

9. The site plan for the Project depicts the subject property with the access road from Harbor Boulevard. It shows two SCE towers, as well as the access route, power route and meter pedestal for the wireless facility.
10. The Project Site is accessible via Harbor Boulevard to the south. Primary access to the Project Site is via a driveway on Harbor Boulevard.
11. No formal parking spaces are indicated on the site plan. However, there are ample vacant areas at the site to serve the parking needs of the existing SCE tower, transmission lines, and the WTF located at the site.
12. Several alternative sites were considered for the project, all on the same parcel. This project site was deemed most feasible since it is located on an already existing SCE tower.
13. Wireless phone coverage maps submitted by the applicant indicate that this facility is necessary to ensure that there are no significant gaps in the applicant's wireless phone coverage in the area.
14. An RF Compliance Statement by Balasubramani Shanmugam, RF engineer, dated April 4, 2016 has been prepared and submitted for the site indicating that the facility is in compliance with FCC limits and guidelines on RF emissions.
15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation of an existing WTF with only minor modifications to what was previously existing.

16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. Regional Planning staff has had several email exchanges and phone conversations with staff from the Puente Hills Habitat Preservation Authority. Concerns raised focused primarily on ensuring that the proposed modification work will not have any adverse impacts on the wildlife that frequent the project site and the general vicinity. Several conditions have been incorporated into the associated Conditions of Approval to address their concerns. In addition, staff has also received an email in support of the project.
18. The Hearing Officer held a duly-noticed public hearing on the Conditional Use Permit on August 2, 2016. The Hearing Officer heard a presentation from Regional Planning staff. The representative of the permittee was present at the hearing to answer any questions but did not provide additional testimony aside from the fact that they accept the findings and conditions including the minor modifications indicated by staff during the public hearing. The Hearing Officer closed the public hearing, determined the project to be categorically exempt from the California Environmental Quality Act requirements, and approved the Conditional Use Permit subject to the attached findings and conditions, as modified by staff.
19. The Hearing Officer finds that the existing SCE towers, transmission lines, as well as the WTF and accessory equipment, are consistent with the O (Open Space) land use category of the Rowland Heights Community Plan.

This designation is intended for recreation, hiking and equestrian trails, agriculture, scientific study, utility easements and mineral extraction. The SCE towers and transmission lines are consistent with the intention of this land use designation. The existing WTF is an accessory use to the primary use of an SCE facility and is also consistent with the underlying Open Space designation. The existing WTF also supports the goals and policies of the Rowland Heights Community Plan by providing wireless phone service for the surrounding residential areas, as well as for those passing through the area.

20. The Hearing Officer finds that the existing WTF and accessory equipment, are consistent with the O-S Zone pursuant to sections 22.40.440 of the County Code.

For uses where the parking requirements are not specified in the Zoning Code, Section 22.52.1220 stipulates that parking shall be provided in an amount which the director find adequate to prevent traffic congestion and excessive on-street parking. The existing WTF is unmanned and will only require periodic maintenance visits. There is enough space at the site to accommodate the necessary routine maintenance vehicles for this facility. The existing WTF also does not increase the height of the existing tower nor involves any oil and gas drilling operations. Thus, the existing WTF is also in compliance with the development standards of the O-S Zone.

21. The Hearing Officer finds that the proposed project meets the Conditional Use Permit Burden of Proof requirements pursuant to section 22.56.040 of the County Code, as described in Findings 22, 23 and 24 below.

22. The Hearing Officer finds that the requested use at this location will not adversely affect the health, peace, comfort or welfare of persons residing, working or commuting in the area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the health, safety or general welfare of the public.

The WTF provides necessary wireless telecommunication service to the area that helps promote the safety, security and general welfare of the residents, workers and commuters in the area. Furthermore, being located on an existing SCE tower, the WTF is of adequate distance and screening from the surrounding residential neighborhoods and other public areas.

23. The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The project site is approximately 20 acres which easily accommodates the existing WTF. The WTF is located on an existing SCE tower and is adequately set back from the surrounding residential neighborhoods and other public areas.

24. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The proposed site is adequately served by public utilities as required by the proposed use.

The existing SCE facility, as well as the WTF, are directly adjacent to Harbor Boulevard, a major roadway, and have access to energy and other public utilities

25. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.

26. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Rowland Heights Library. On June 15, 2016, a total of 83 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 12 Notices to those on the courtesy mailing list for the Puente Zoned District and to any additional interested parties.

27. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and Hacienda Heights Community Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. RPPL 2016001651-(4), subject to the attached conditions.

**ACTION DATE: August 2, 2016**

MM:CN  
7/19/2016

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
CONDITIONAL USE PERMIT NO. RPPL 2016001651-(4)**

**PROJECT DESCRIPTION**

The project is an authorization for the continued operation and minor modification of an existing Wireless Telecommunication Facility (WTF) mounted on a Southern California Edison (SCE) tower subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 2, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the WTF and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be



placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **October 2, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WTF)**

19. This grant shall authorize the continued operation with minor modifications of an existing Wireless Telecommunication Facility at a Southern California Edison facility.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. Placement and height of all antenna and equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
26. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
27. The maximum height of the facility shall not exceed 60 feet above the top of the existing concrete base (climbing leg) of the SCE tower, as shown on the Exhibit A.
28. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
29. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
30. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials shall be maintained and/or replaced by the permittee within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
31. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
32. Upon termination of this grant or after the construction of this facility, if the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.
33. This grant entitles the permittee to maintain the wireless telecommunications facilities on the existing or a replacement electric transmission tower ("tower") but does not entitle the permittee to retain the tower for its sole use or to install a new tower for its facilities in the event the existing tower is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition #8, if the existing tower is removed prior to the termination date of this grant, this grant shall thereupon terminate. The permittee will be required to either obtain a new conditional use permit to relocate its facilities or to install a new tower and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.

34. Construction and maintenance of the facility shall not be allowed in the months of October through December to reduce impacts to the wildlife corridor during the dispersal season. Emergency repairs of the facility may occur at any time.
35. Areas outside of the lease area and access route identified on the Exhibit A shall not be disturbed by any construction, operation or maintenance activities.
36. External lighting shall not be installed on the site.
37. Prior to any construction work at the site, the permittee shall conduct a survey of the entire tower where the project is located and on any adjoining towers within 500 feet to check for any nest that belongs to any of the raptors protected by California State Law. If a nest is detected, the permittee shall consult with the California Department of Fish and Wildlife (CDFW) and construction work shall not commence until given clearance by CDFW. To document the conduct of such pre-construction survey, the permittee shall submit to Regional Planning a report from a biologist stating that the survey has been conducted prior to the approval of the Exhibit A or any subsequent Revised Exhibits A for the permit.

MM:CN  
7/19/2016